

## REMARKS

### Declaration under rule 1.131

In refusing to consider the rule 131 declarations, the Examiner cites at length the provisions of 37 CFR 1.47. This rule relates to declarations under 37 CFR 1.63, i.e. declarations of invention filed at the time of the initial application. Inventor Lo *did* sign the initial declaration under rule 1.63. The provisions of 37 CFR 1.47 are therefore not applicable.

Rule 37 CFR 1.131 is liberal with respect to who may file declarations establishing date of invention. In this case, one of the inventors and a manager working for the assignee (owner) of the application have filed declarations on behalf of the owner. This is sufficient. The requirement that Lo file a declaration under rule 131 is not supported by the law.

Nevertheless, Applicants have procured a declaration from inventor Lo, currently residing in Taiwan, which is attached hereto.

### Art rejections

The art rejections are respectfully traversed.

To the extent that the rejections are repeated from the prior action, the prior arguments are incorporated by reference. Applicants will attempt to locate anything new and respond to it here. Applicants will also add some new comments with respect to Chang.

Any of the Examiner's rejections and/or points of argument that are not addressed either here or in the prior amendment would appear to be moot in view of the following. Nevertheless, Applicants reserves the right to respond to those rejections and arguments and

to advance additional arguments at a later date. In particular, Applicants reserve the right to go into more detail on the dependent claims on appeal. No arguments are waived and none of the Examiner's statements are conceded.

Applicants note one slightly confusing aspect of Chang. Chang repeatedly uses the acronym "DB2XML." Many people might mistakenly read this acronym as "data base to XML;" however, if one looks carefully at the Chang patent, one can see that this is not what Chang means. At col. 8, line 11, Chang explains that DB2<sup>®</sup> is the name of a particular type of database, and that the patent relates to XML documents stored in a DB2 database. Therefore, for Chang, "DB2XML" means a DB2 type database containing XML documents. Applicants respectfully submit that reading "DB2XML" from Chang to mean "data base to XML" or to imply conversion from database to XML constitutes impermissible hindsight in light of Applicants' disclosure.

#### Claim 1, 46, 61

Claim 1 recites establishing a mapping from lists and scalars corresponding to at least one data source into XML elements and attributes. In these claims, the lists and scalars are mapped to XML documents. The XML documents are not themselves the lists and scalars in the data source. To the extent that the reader may not understand this recitation, the reader needs to refer to the meaning of the terminology "mapping ... into" in the specification. The specification makes clear that this terminology relates to retrieving data from a relational database into an XML document. The lists and scalars are part of a source that needs to be made compatible with XML.

In reading over the reference, the undersigned is just not finding this. The reference talks about a database of XML documents, an extender which describes the XML documents, and DTD's for the XML documents. There is metadata for the XML documents in the database. Data appears to be retrieved out of the database of XML documents. Assuming *arguendo* that there is some mapping it would be *from* XML documents, but not *to* XML documents. Applicants accordingly respectfully submit that the Examiner mischaracterizes the reference.

Claim 10, 49, 64

These claims recite expressing the mapping in constructs of a mapping language. Against this recitation, the Examiner cites col. 14, line 34 et seq. Applicants respectfully submit that the Examiner mischaracterizes the reference. This section of the reference relates to indexing existing XML documents, not to a mapping language that maps lists and scalars into XML documents.

Chang col. 9, line 11 (claims 90, 94, 96)

This portion of the reference is cited by the Examiner in several places as allegedly showing an annotated the DTD. Applicants respectfully submit that the Examiner has misconstrued the reference. As the Examiner states, DTDid is an integer value identifying a document type definition. This is the name of the DTD, not the contents of the DTD.

Claim 90 recites “inserting the constructs into a DTD to create an annotated DTD,” merely creating an identifier for a DTD fails to teach or suggest the limitations of this claim.

Claims 94 and 96 have similar limitations.

Col. 15, lines 50-67 (claims 76, 79, 80)

These claims recite that an XML document generated from the annotated DTD is guaranteed to conform to the DTD. The DTD corresponds to multiple heterogeneous data sources.

The portion of the reference cited by the Examiner starts out “***If*** the XML documents conform to a single DTD.[emphasis added]” Please note the ***if***. Clearly from this text there is no guarantee that the XML documents will conform to the single DTD. It is only happenstance.

The Examiner says that the XML documents are multiple heterogeneous data sources – but the claim says that the XML documents are supposed to be the target, not the source. Moreover, the XML documents are all from a single database, not multiple data sources.

Applicants accordingly respectfully submit that the Examiner has failed to make a *prima facie* case against these claims and has mischaracterized the reference.

Claim 19, 52, 67

These claims recite that a construct comprises a parameter. This is a dependent claim, so reference must be had to the prior claims, which explain that the construct is one that is inserted into a DTD.

Against this recitation, the Examiner cites col. 20, line 63 of Chang. The undersigned has reviewed this portion of Chang and respectfully submits that the Examiner mischaracterizes it. This portion of the reference talks about parameters of a function

“xml/FromFile.” Applicants see no teaching or suggestion that these parameters have anything to do with constructs of a mapping language that are inserted into a DTD. Instead, the function appears to be in the XML extender (100, Fig. 2), which appears to be an entire suite of programs.

The Examiner further cites col. 22, lines 18-57 as relating to generation of an XML element. Applicants have reviewed this portion of the reference and respectfully submit that the Examiner mischaracterizes it. Applicants find that this portion relates again to retrieving information about of an XML document using “conditional select” rather than generating an XML document.

The Examiner further cites col. 23, lines 5-51. This section does appear to relate to updating an XML document, but again it appears to use XML extender (100, Fig. 2) rather than constructs of a mapping language inserted into a DTD, per claim 19.

Applicants accordingly respectfully submit that the Examiner has failed to make a *prima facie* case against these claims.

Claim 22, 53, 68 (and claims depending therefrom)

These claims recite associating values with DTD constructs. These are dependent claims, so reference must be had to the prior claims, where the constructs are explained to be constructs of a mapping language inserted into the DTD.

The Examiner cites Chang col. 9, line 3. Applicants understand this section to relate to DTDid -- a value identifying the DTD. The value does not relate to constructs in the DTD. The value is only used to find DTDs in a table.

Applicants accordingly respectfully submit that the Examiner has failed to make a *prima facie* case against these claims. The claims depending from these claims, which identify more about the constructs and how they are used, accordingly distinguish even more clearly over the reference.

#### Claim 37, 58, 73

These claims recite associating at least one environment with an XML element. It is to be noted that “environment” is defined in the specification at page 31, i.e. ‘a set of variable/value pairs called the “environment.”’

Against this recitation, the Examiner cites Chang, col. 8, lines 31-32. Applicants have reviewed this part of the reference. They refer to creating a table. As far as Applicants can tell, this table stores the XML itself, not variable/value pairs. Applicants accordingly respectfully submit that the Examiner has therefore failed to make a *prima facie* case against these claims.

#### Claims 40, 59, 74

These claims recite details of the environment. These claims depend from those in the previous group. Against these claims, the Examiner cites col. 15, line 50 through col. 17, line 64. Applicants are totally unable to discern how this large amount of text may be related to an “environment” as defined by Applicants. Applicants accordingly respectfully submit that the Examiner has failed to make a *prima facie* case against these claims.

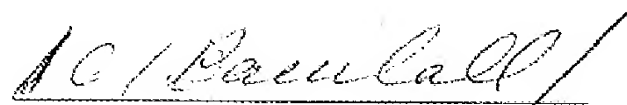
Claims 87, 93, 95

These claims recite that there are at least two data sources and the sources are of different types. Against this recitation, the Examiner cites elements 500 and 300 in Fig. 3. However, element 500 is the source and element 300 is the target in this figure. They are not both sources. Accordingly, Applicants respectfully submit that the Examiner has not made a *prima facie* case against these claims.

Applicants respectfully submit that they have addressed each issue raised by the Examiner - except for any that were skipped as moot - and that the application is accordingly in condition for allowance. Allowance is therefore respectfully requested

Please charge any fees other than the issue fee to deposit account 50-0510. Please credit any overpayments to the same account.

Respectfully submitted by,

A handwritten signature in cursive script, appearing to read 'A. E. Barschall', written over a horizontal line.

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